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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/035,827	10/22/2001	Jesse Hull	P-2192D1	1785

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LAW OFFICES OF JAMES D. IVEY  
3025 TOTTERDELL STREET  
OAKLAND, CA 94611-1742

EXAMINER

PEARSON, YVETTE B

ART UNIT	PAPER NUMBER
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2144

DATE MAILED: 02/18/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/035,827	<b>Applicant(s)</b> HULL ET AL.	
	<b>Examiner</b> Yvette Pearson	<b>Art Unit</b> 2144	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☐ Responsive to communication(s) filed on 22 October 2001.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1 - 7 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1 - 7 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 26 June 2002 is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>May 11, 2004</u> . | 6) <input type="checkbox"/> Other: _____  |

### **DETAILED ACTION**

1. Claims 1 - 7 are presented for examination in the application.
2. Acknowledgement is made of the Information Disclosure document filed October 22, 2001.

### ***Specification***

3. The specification is objected to because of the following informalities:  
  
On page 9, Line 16, 'Figures' should be **Figure**.  
  
On page 9, Line 21, 'Figures' should be **Figure**.  
  
Appropriate correction is required.
4. These are merely exemplary. Applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

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5. Claims 1, 2 and 5 - 7 are rejected under 35 U.S.C. 102(e) as being anticipated by Gershman et al (US 6,401,085).

6. As per Claim 1, Gershman teaches a method through a base system interface ([Egocentric Interface] Column 39, Lines 28 – 32), receiving data from a user wherein the data represents information selected by the user (Column 40, Lines 28 – 29, 36 - 39); whereby the base system interface:

- a). stores the data ([Content Profile Database] Figure 10A, #1060; Column 40, Lines 9 - 14);

- b). associates the data with the user (Column 39, Lines 33 – 38);

- c). receives a request for the data from the user through a mobile system utilizing a Mobile Portal Platform (Column 66, Lines 40 – 42; 66 – 67; Column 67, Lines 1 – 2; Figure 27B, #2710;) and

- d). presents the data through the mobile system interface to the user ([Consumer Access Devices] Column 43, Lines 61 – 63; Column 44, Lines 2 – 10; Figure 17.)

7. As per Claim 2, Gershman teaches a method for managing information on behalf of a user by utilizing an Intention Value Network (Column 39, Lines 45 – 46, 55 – 61; Figure 10A) comprising:

- a). receiving data representing the information from the user through a base system interface ([Egocentric Interface] Column 39, Lines 28 – 32);

- b). storing a data object representing the data in a database (Column 6, Lines 25 – 37; Column 51, Lines 33 – 38, 43 – 47),

- c). associating the data object with the user within the database through the Interface Support Framework subsystem to provide the capability to react to user input (Column 52, Lines 50 – 55; Column 53, Lines 11 – 14),
  - d). receiving a request for the data from the user through a mobile system utilizing a Mobile Portal Platform (Column 66, Lines 40 – 42; 66 – 67; Column 67, Lines 1 – 2; Figure 27B, #2710), and
  - e). presenting the data through the mobile system interface to the user ([Consumer Access Devices] Column 43, Lines 61 – 63; Column 44, Lines 2 – 10; Figure 17.)
8. As per Claim 5, Gershman teaches managing information on behalf of a user as described above comprising a stored list of data objects associated with the user that is sent to the user through the mobile system interface ([Mobile Portal] Column 67, Lines 17 – 27; Figure 27, #2712) wherein the user can request the data using a single user interface gesture on a mobile device for which the device is in communication ([display calls] Column 67, Lines 7 – 13; Figure 27.)
9. As per Claim 6, Gershman teaches managing information on behalf of a user as described above further comprising the method of providing information relative to second data of the first-mentioned data associated with the user (Column 67, Lines 25 – 31), whereby second data obtains higher priority to first data ([user data is updated to reflect new information] Column 67, Lines 38 – 41.)
10. As per Claim 7, Gershman teaches managing information on behalf of a user as described above wherein the user can request the data using a single user interface

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gesture on a mobile device for which the device is in communication ([display calls]

Column 67, Lines 7 – 13; Figure 27, #2714.)

11. Thus, Gershman discloses all limitations of the rejected claims; therefore Gershman anticipates the subject matter of Claims 1, 2 and 5 - 7.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

12. Claims 3 and 4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gershman et al (US 6,401,085).

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13. With respect to Claims 3 and 4, Gershman discloses the invention as claimed, detailed above with respect to Claim 2, however, Gershman does not specifically disclose a second data transport protocol different from the first data transport protocol and in particular, a second protocol such as wireless application protocol. However, one of ordinary skill in the art would have recognized that a second and different protocol such as a wireless application protocol would be used to facilitate wireless telephone and PDA data transmission ([mobile telephone and PDA] Column 43, Lines 61 – 63; Column 44, Lines 2 – 10; Figure 17.) Additionally, Gershman identifies the establishment of wireless application protocol (WAP) as a standard browser technology to put data capability into wireless phones (Column 1, Lines 62 – 64; Column 2, Lines 9 – 11.) Therefore, it would have been obvious to include a wireless protocol as a second and different protocol to provide data transmission capability for wireless phones (Column 2, 11 – 14.)

### ***Conclusion***

14. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure US 6,560,640, (Smethers).


Smethers discloses a method for managing access to intermediate servers facilitated by wireless client devices.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yvette Pearson whose telephone number is 571 272-4227. The examiner can normally be reached on 9:00am-5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bill Cuchlinski can be reached on 571 272-3925. The fax phone number for the organization where this application or proceeding is assigned is 571 273-4227.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Yvette Pearson  
Examiner  
Art Unit 2144



WILLIAM A. CUCHLINSKI, JR.  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2000